S.B.Civil Writ Petition NO.2716/2003

Lalit Jain & Ors.

vs

State of Rajasthan & Ors

DATE OF ORDER : - 9.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.P.Sharma,for the petitioner.
Mr. L.R.Upadhayay, Dy.GA, for the respondent.

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Heard learned counsel for the parties.

According to learned counsel for the petitioner, the petitioner was subjected to high handedness by the respondent no.5-SHO, Ashok Vihar Police Station, New Delhi and respondent no.7-SHO, Chopasani Housing Board, Police Station, Jodhpur in a criminal case, which was registered against the petitioners' brother Mahendra Jain.

Learned counsel Dy. Government Advocate submits that in the FIR no.78/2001 dated 9.2.2002 a search warrant was issued and with the aid of that search warrant the premises of house no.19/242, Chopasani Housing Board, Jodhpur was searched and certain articles were seized.

According to learned Dy. Government Advocate now the police has already filed the challan against the said Mahendra Jain in the court and, therefore, there is no basis for any apprehension of the petitioners that they may be harassed by the police. Sh. Kharak Singh, Addl. SHO, Ashok Vihar Police Station, New Delhi is also present in the court in person and also stated that challan has been filed against Mahendra Jain. However, he is absconding, therefore, the necessary action is being taken by the criminal court at Delhi.

Be that as it may. In view of the fact that the challan has been filed against the petitioners' brother at Delhi and proceedings are being controlled by the court at Delhi and in view of the fact stated above and in view of the reply filed by the respondent after taking instruction from the concerned officer, there appears to be no threat in continuing against the petitioner.

Therefore, the writ petition of the petitioner is dismissed as having become infructuous.

(Prakash Tatia), J.

c.p.goyal/-